IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1384 OF 2006

Gopalan K. Evach ..Petitioner.

Vs.

Cambata Aviation Pvt. Ltd. & Ors. ..Respondents.

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Shri Kumar Vidyanath with Shri Shailesh More for the Petitioner.
Shri K.S. Bapat with Shri J.K. Desai for Respondents 1 to 3.

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CORAM: **DR. D.Y. CHANDRACHUD, J.**

23rd February, 2007.

P.C. :

At the hearing of the Petition counsel appearing for the Respondent – management has stated before the Court that the services of the Petitioner came to be terminated for the first time only after the conclusion of the disciplinary enquiry, by an order dated 23rd November, 2003. The order of termination, it is common ground, forms the subject matter of a pending complaint before the Labour Court being complaint (ULP) 267 of 2006. The position of the management is that prior to the order of termination, the passes inter alia of the Petitioner for access to the premises of the airport were cancelled by the police and a writ petition filed before

this Court (Writ Petition 2779 of 1994) was dismissed by the Division Bench on 25th January, 1995.

At this stage, Counsel appearing for the Petitioner seeks the permission of the Court to withdraw the complaint (complaint (ULP) 81 of 1996) out of which the present proceedings arise, since the Petitioner has already challenged the order of termination passed by the management. The learned counsel states that the Petitioner would move the Labour Court for amending the complaint to seek ancillary reliefs The request made on behalf of the Petitioner is not opposed by counsel appearing for the management subject to the right being reserved to the management to raise all appropriate contentions in response to the pending complaint. In the circumstances, the complaint (ULP) 81 of 1996 is dismissed as withdrawn. It is, however, made clear that all the rights and contentions of the parties in respect of the pending complaint are kept open. The Petition is accordingly disposed of.